

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BC MEDIA FUNDING COMPANY II,

PLAINTIFF,

- against -

**FRANK LAZAUSKAS, MICHAEL L. METTER,
LEONARD F. MOSCATI AND B. MICHAEL
PISANI**

DEFENDANTS.

08-cv-06228

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Declaration of Matthew M. Riordan, attorney for Plaintiff BC Media Funding Company II, dated June 12, 2009, and the Memorandum of Law dated June 12, 2009, Plaintiff will move this court, pursuant to FRCP 69, CPLR 5225 and 5227, for an order as follows:

1. Directing Respondent Frank Lazauskas to sell all the securities held in his account maintained at the brokerage firm Ladenburg Thalmann & Co., account no. NJ5-000825;
2. Directing Respondent Frank Lazauskas to sell all the securities held in account no. NJ5-001074, with respect to which Frank Lazauskas maintains authority as an agent, which account is maintained in the name of Jean Lazauskas, wife of Judgment Debtor Frank Lazauskas, and into which account Frank Lazauskas fraudulently transferred all of the securities in that account, after this court granted Petitioner's motion for summary judgment;

3. Directing Respondent Michael L. Metter to sell all the securities held in his account at Ladenburg Thalmann & Co., account no. 000817;
4. Directing Defendant Leonard F. Moscatti to sell all the securities held in his account at Charles Schwab, account no. 4198-2524;
5. Directing Respondents Frank Lazauskas, Michael Metter, and Leonard Moscatti to pay the proceeds of such sales to the Petitioner;
6. Directing Frank Lazauskas, Michael L. Metter, and Leonard Moscatti, pursuant to CPLR 5225(c), to execute and deliver any documents necessary to effect such sale and payment to the Petitioner; and
7. Granting Petitioner such other and further relief as this Court deems just and proper.



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